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Attorneys for Defendants M. Correa, M. Levin, T. Ochoa, and L. Santiago.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

**DAVID CODELL PRIDE, JR.,**

Plaintiff,

v.

**M. CORREA, et al.,**

Defendants.

07-CV-1382-BEN (JMA)

**DEFENDANTS' NOTICE OF MOTION  
AND MOTION TO DISMISS  
PLAINTIFF'S CLAIM FOR  
INJUNCTIVE RELIEF**

Hearing: February 29, 2008  
Time: 10:00 a.m.  
Courtroom: D  
Judge: The Honorable Jan M. Adler

**NO ORAL ARGUMENT REQUIRED**

TO DAVID PRIDE, Plaintiff in pro per:

PLEASE TAKE NOTICE that on February 29, 2008, at 10:00 a.m., or as soon thereafter as the matter can be heard in the above-referenced Court located at 940 Front Street, San Diego, California, Defendants M. Correa, M. Levin, T. Ochoa, and L. Santiago will move this Court to dismiss Plaintiff's claim for injunctive relief under Federal Rule of Civil Procedure 12(b)(6) on the ground that Plaintiff's request for injunctive relief is barred by the *Plata* class-action.

1 This motion is based upon this notice of motion and motion, the supporting  
2 memorandum of points and authorities, Defendants' request for judicial notice, and this Court's  
3 file.

4 Dated: January 18, 2008

5 Respectfully submitted,

6 EDMUND G. BROWN JR.  
Attorney General of the State of California

7 DAVID S. CHANEY  
Chief Assistant Attorney General

8 FRANCES T. GRUNDER  
Senior Assistant Attorney General

9 MICHELLE DES JARDINS  
Supervising Deputy Attorney General

11  
12 /s/Phillip Lindsay

13 PHILLIP LINDSAY  
14 Deputy Attorney General  
Attorneys for Defendants M. Correa,  
15 M. Levin, T. Ochoa, and L. Santiago

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **David Codell Pride, Jr. v. M. Correa, et al.**

No.: **07-CV-1382-BEN (JMA)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On January 18, 2008, I served the attached **DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S CLAIM FOR INJUNCTIVE RELIEF** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

David Codell Pride, Jr.  
CDCR No. H-61218  
Calipatria State Prison  
P.O. Box 5005  
Calipatria, CA 92233-5005

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 18, 2008, at San Diego, California.

K. Alvarez

Declarant

Signature

70112462.wpd